July 21, 2025

Consumer Financial Protection Bureau PRA Office
ATTN: Anthony May
Re: Consumer Complaint Intake System Company Portal Boarding Form
OMB Control Number 3170-0054
Docket No. CFPB-2025-0027

Dear Mr. May:

On behalf of Experian Information Solutions, Inc. ("Experian"), we hereby submit these comments in response to the Bureau's Comment Request published May 22, 2025 pertaining to Docket No. CFPB-2025-0027. The Bureau seeks information regarding the Office of Management and Budget's ("OMB's") extension of the existing information collection titled "Consumer Complaint Intake System Company Portal Boarding Form" approved under OMB Control Number 3170-0054.

As set forth in detail below, the Bureau's Company Portal ("Portal") has become a source of egregious abuse by third-party credit repair organizations ("CROs") against consumer reporting agencies ("CRAs") like Experian. These CROs make false promises to consumers that they can remove negative but accurate information from credit files for a fee. They then file hundreds of thousands of purported "complaints" through the Portal against Experian ***every month*** which are overwhelmingly duplicative, robot-generated, and procedurally defective, in the hopes that the CRAs will remove such information in response. Many, if not most, of the submissions do not meet the definition of a "complaint" under Section 611(e) of the Fair Credit Reporting Act ("FCRA"), let alone satisfy the prerequisites required before filing a complaint. These submissions include consumer disputes of credit reports, credit freezes and other FCRA regulated matters as "complaints" that require individualized responses. Nonetheless, under current Bureau practice, Experian must investigate and respond to these submissions on an individualized basis. Yet there is no statutory authorization for requiring Experian to investigate and respond on an individual basis to complaints filed through the Portal, and there is no obligation to process or respond at all to FCRA disputes or other FCRA requests submitted through the Portal. In light of the widespread abuse of the Portal, it is incumbent upon the Bureau to realign CRAs' Portal obligations with the consumer-protection framework that Congress designed.

These comments make four distinct points. First, we provide background information on the Portal and trends concerning the volume and character of submissions transmitted to Experian through the Portal. *See infra* § I. Second, we explain how the Dodd-Frank Act provides no basis for requiring CRAs to investigate and respond to Portal complaints or other submissions on an individualized basis. It requires only that certain banks and credit unions respond to complaints—and the Bureau has no authority to expand these obligations to CRAs. *See infra* § II. Third, we show how FCRA also does not require CRAs to treat complaints submitted through the Portal as

FCRA disputes. In fact, requiring CRAs to treat ***complaints*** in the Portal as FCRA disputes circumvents the Act's distinct procedures regarding FCRA ***disputes*** filed directly with CRAs. And there is no statutory basis for requiring CRAs to respond to other FCRA requests submitted to the Bureau through the Portal, such as fraud-block and security-freeze requests. *See infra* § III. Finally, regardless of whether CRAs have a statutory obligation to respond to Portal complaints, we offer recommendations on how the Bureau could implement screening mechanisms to filter out abusive or otherwise defective submissions and urge the Bureau to allow CRAs to do the same. In particular, the Bureau should at minimum allow Experian to close out Portal submissions with messaging directing consumers to Experian's website to submit disputes or make other requests under FCRA, rather than providing an individualized response to the submission through the Portal or processing them as if submitted directly to the CRAs. *See infra* § IV.

I. Background on Experian's Engagement with the Bureau's Complaint Portal.

The Bureau established its web-based Portal in order to receive consumer complaints against companies that offer or provide a consumer financial product or service. The Bureau uses the Portal to compile these complaints and transmit them to the companies subject to the complaints.

To receive complaints forwarded by the Bureau, companies must register for the Portal using the intake form, which is the subject of the Comment Request. Once registered, the company has access to the Portal "to review and respond to consumer complaints sent to [it] by the Consumer Financial Protection Bureau." OMB Form 3170-0054, p. 1. Companies that offer "[c]redit reporting" services are expressly covered by the intake form. *Id.* at 7.

Initially, the Bureau recognized that the Portal was not the appropriate vehicle for consumers to submit FCRA disputes or other similar requests and had in place mechanisms to screen out such submissions including expressly directing consumers to submit FCRA disputes directly with the credit bureaus. Subsequently, however, without any legal basis and over the objection of CRAs, the Bureau removed those mechanisms. For years now, the Bureau has used the Portal to transmit all submissions from consumers relating to Experian, including complaints, disputes, fraud-block requests, security-freeze requests, and any other request for action under FCRA, treating each one of these as a "complaint" against Experian. This change in approach by the Bureau has resulted in an explosion in the numbers of purported "complaints", which the Bureau has frequently used to unfairly characterize the three nationwide CRAs as the most complained about entities in the Portal. At the same time, CROs have taken advantage of the removal of screening mechanisms which has further inflated the "complaint" numbers. Ignoring the careful statutory scheme governing complaints and disputes and also ignoring language in Dodd-Frank limiting the obligation to respond through the Portal to large depository institutions,

the Bureau has communicated the Bureau's expectation to the CRAs that they will review each submission and respond accordingly, including processing FCRA disputes and other FCRA requests. The Bureau's position has, in effect, converted the Portal into a separate channel for consumers to submit all manner of FCRA requests, which, as explained below, undermines the careful statutory scheme treating complaints and disputes separately, each with distinct obligations for processing and responding. It also ignores the plain statutory language in Dodd-Frank limiting Portal response obligations to large banks and credit unions.

While Experian has always maintained that it has no statutory obligation to respond to Portal complaints or process other submissions through the Portal, including FCRA disputes, Experian has nonetheless acquiesced to the Bureau's demands in a spirit of cooperation and because the compliance burdens were manageable due to the relatively low number of Portal submissions Experian received. In recent years, however, the number of Portal submissions against Experian has exploded. For example, in January 2022, Experian received 12,669 submissions through the Portal; by May 2025, Experian received ***146,299*** submissions, an increase of ***over 1,050 percent***. More recently, during the period of January to June of 2025, there has been an approximately 140 percent increase in submissions compared with the same period in 2024. As a result, Experian has been forced to make corresponding increases to its Portal response team, which has increased by nearly 1,800 percent from FY 2021 to FY 2025. And based on the current trajectory, Experian anticipates that its Portal response team will increase by over 3,100 percent from FY 2021 to FY 2026.

To be clear, these trends are not driven by consumers, but by CROs who often act without authorization from the consumer. While consumers or their authorized third parties accounted for approximately 35% of Portal submissions in 2022, that number has fallen to approximately 2-5% in 2025. The remaining 95-98% of submissions are increasingly and overwhelmingly filed by CROs, many of whom use bots and other automated tools to flood the Portal with abusive or duplicative submissions. This results in the system being overwhelmed by repeated submissions of multiple identical requests for the same consumer within minutes, which could only feasibly be done through the use of automation or bot technology and is not consistent with legitimate complaints submitted directly by consumers. Recently, submissions have even included Tik-Tok videos and other inappropriate material.

To date, the Bureau has not given CRAs like Experian the flexibility to reject submissions that are clearly abusive or otherwise defective. But in light of the foregoing developments, the time has come to align the Bureau's practices to comport with the statutory schemes governing Portal submissions and the CRAs obligations under the FCRA.

II. The Dodd-Frank Act Does Not Require CRAs to Respond to Complaints, Disputes or Other Submissions through the Portal.

As the Comment Request itself recognizes, the Bureau operates the Portal "[i]n furtherance of its statutory mandates" under the Dodd-Frank Act, which tasks the Bureau with receiving consumer complaints relating to consumer financial products and services. *See* 12 U.S.C. § 5511(c)(2). The Bureau has previously invoked Dodd-Frank as the statutory basis for requiring CRAs to respond to complaints submitted through the Portal. *See* Consumer Financial Protection Bureau, *Annual Report of Credit and Consumer Reporting Complaints* at 14–16 (Jan. 2022), https://files.consumerfinance.gov/f/documents/cfpb_fcra-611-e_report_2022-01.pdf. Dodd-Frank does not, however, impose such an obligation on CRAs.

Dodd-Frank establishes a framework for consumer complaints. One set of provisions defines the Bureau's own response obligations to consumer complaints that are filed against "covered persons," which includes CRAs.[1] 12 U.S.C. § 5534(a). These provisions require the Bureau to establish "reasonable procedures to provide a timely response to consumers, in writing where appropriate, to complaints against, or inquiries concerning, a covered person." *Id.* § 5534(a). And they specify the types of information that the Bureau must provide to consumers, including "the steps that have been taken by the regulator in response to the complaint or inquiry of the consumer," "any responses received by the regulator from the covered person," and "any follow-up actions or planned follow-up actions by the regulator." *Id.* § 5534(a). As the subsection title ("Timely Regulator Response to Consumers") and repeated references to "the regulator" make clear, these provisions define *the Bureau's* obligations with respect to consumer complaints against covered persons. They do not impose any obligation on covered persons themselves.

Another set of provisions does impose response obligations directly on covered persons but limits its reach to those covered persons that are "subject to supervision and primary enforcement by the Bureau pursuant to section 5515 of this title." *Id.* § 5534(b)-(c). This clause describes banks and credit unions with more than $10 billion in assets, and their affiliates. *Id.* § 5515(a). Those subject to these provisions must "provide a timely response" to the Bureau and other regulators "concerning a consumer complaint or inquiry," *id.* § 5534(b), and "comply with a consumer request for information" that is in their control or possession, *id.* § 5534(c). To the

[1] 12 U.S.C. § 5481(6) ("The term 'covered person' means—any person that engages in offering or providing a consumer financial product or service."); *id.* § 5481(15) ("The term 'financial product or service' means … (ix) collecting, analyzing, maintaining, or providing consumer report information … used or expected to be used in connection with any decision regarding the offering or provision of a consumer financial product or service.…").

regulator, the covered bank or credit union must, in a "timely" manner, report "steps that have been taken … to respond to the complaint or inquiry of the consumer," the consumer's "responses," and "follow-up actions or planned follow-up actions." *Id.* § 5534(b). To the consumer, the bank or credit union must ascertain and provide "information in the[ir] control or possession … concerning the account of the consumer," along with "supporting written documentation." *Id.* § 5534(c). But because CRAs are not "subject to supervision and primary enforcement by the Bureau pursuant to section 5515 of this title," *id.* § 5534(b)–(c), they are not subject to any of these requirements. *See Consumer Information Requests to Large Banks and Credit Unions*, 88 Fed. Reg. 71,279 (Oct. 16, 2023) (explaining that § 5534 applies "when a consumer submits a complaint or inquiry *about a large bank or credit union*" (emphasis added)). In short, while *the Bureau* has broad obligations to respond to consumer complaints involving covered persons, including CRAs, Congress limited the universe of covered persons subject to a direct-response obligation to banks and credit unions with more than $10 billion in assets.

Despite this carefully delineated scheme, the Bureau has purported to require *all* covered persons, including CRAs, to investigate and directly respond individually to consumer submissions received through the Portal. According to the Bureau, companies must "review the information provided in the complaint, communicate with the consumer as needed, determine what action to take in response, and provide a written response to the CFPB *and the consumer*." *Annual Report of Credit and Consumer Reporting Complaints*, *supra*, at 14–15 & n.42 (emphasis added). In effect, the Bureau has shifted *its own* consumer-response obligations under subsection 5534(a) to regulated companies, and extended the statutory obligations of banks and credit unions under subsections 5534(b) and (c) to all covered persons, including CRAs.

None of this can be reconciled with Dodd-Frank. With respect to consumer complaints, Congress defined the response obligations of the Bureau and of certain banks and credit unions. It did not purport to impose any response obligations on other covered persons, such as CRAs. As a result, the Bureau cannot use Dodd-Frank to force CRAs to respond to complaints through the Portal. *See Mozilla Corp. v. FCC*, 940 F.3d 1, 75 (D.C. Cir. 2019) ("[A]n agency may not confer power on itself, and to permit an agency to expand its power in the face of a congressional limitation on its jurisdiction would be to grant to the agency power to override Congress." (cleaned up)).

III. FCRA Does Not Require CRAs to Respond to Portal Complaints or Other Consumer Submissions.

Nor can the Bureau accomplish under FCRA what it cannot accomplish under Dodd-Frank. FCRA establishes a framework for consumers to contest the accuracy of information that a CRA

maintains in their credit file. As detailed below, consumers may first file with the CRA a "dispute," which triggers certain investigation and response obligations on the CRA. If the consumer is dissatisfied with the response, the consumer may then file a "complaint" with the Bureau. While complaints trigger distinct obligations for the Bureau and the CRA, FCRA does not require the CRA to respond to the consumer or to each individual complaint. Nor does FCRA obligate CRAs to process fraud-block requests or security freezes that are made to the Bureau, rather than to CRAs directly. As such, FCRA cannot support the Bureau's demand that CRAs respond to consumer complaints or any other consumer submissions through the Portal.

Disputes. To contest information in a consumer credit file, a consumer must first initiate a "dispute" under FCRA Section 611(a). To file a dispute, the consumer must "notif[y] the [CRA] directly, or indirectly through a reseller." 15 U.S.C. § 1681i(a)(1)(A). Within 30 days of receiving notice of the dispute, the CRA must conduct, "free of charge," "a reasonable reinvestigation to determine whether the disputed information is inaccurate," and it must then "record the current status of the disputed information" or else "delete the item from the file." *Id.* § 1681i(a)(1).

As part of the reinvestigation, the CRA must follow a carefully delineated series of procedures:

- "provide notification of the dispute to any person who provided any item of information in dispute" (*i.e.*, the "furnisher") within five business days, including "all relevant information regarding the dispute that the agency has received," *id.* § 1681i(a)(2)(A);
- provide additional relevant information to the furnisher that is received in the course of reinvestigating the dispute, *id.* § 1681i(a)(2)(B);
- to the extent that the reinvestigation shows the disputed information is inaccurate, incomplete, or unverifiable, delete that information from the consumer's file, notify the furnisher, and initiate procedures to prevent reappearance of that information, *id.* § 1681i(a)(5);
- provide written notice of the results of the reinvestigation within five business days of its completion, *id.* § 1681i(a)(6); and
- if the consumer so requests, provide a description of the procedures used in the reinvestigation, including the furnisher's identity and contact information, *id.* § 1681i(a)(6)(B)(iii), (a)(7).

The dispute process also contains procedural protections for CRAs. In the event a CRA "reasonably determines that the dispute by the consumer is frivolous or irrelevant, including by reason of a failure by a consumer to provide sufficient information to investigate the disputed

information," the CRA "may terminate" the reinvestigation. *Id.* § 1681i(a)(3). Moreover, disputes must be initiated *by the consumer*, either by "directly" notifying the CRA or by notifying a reseller. *Id.* § 1681i(a)(1)(A). These provisions prohibit third parties, such as CROs, from initiating a dispute themselves. *See, e.g.*, *Warner v. Experian Info. Sols., Inc.*, 931 F.3d 917, 918 (9th Cir. 2019).[2] And because of these statutory protections against vexatious, abusive, or unauthorized filings, the Bureau has historically permitted CRAs to use various tools to screen out disputes that do not satisfy the criteria in Section 611(a). Requiring CRAs to process and respond to disputes submitted through the Portal undermines these protections provided in the FCRA

Complaints. If a consumer is dissatisfied with a CRA's response to a dispute, the consumer may escalate the issue by filing a "complaint" with the Bureau under Section 611(e). *See* 15 U.S.C. § 1681i(e). The Bureau must "compile all complaints that it receives" about allegedly inaccurate credit files "with respect to which, the consumer appears to have disputed the completeness or accuracy with the consumer reporting agency or otherwise utilized the procedures provided by subsection (a)." *Id.* § 1681i(e)(1)(A). The Bureau then "transmit[s] each such complaint to" the CRA. *Id.* § 1681i(e)(1)(B). As the Bureau and the FTC have both recognized, a complaint can be validly filed only after the consumer has filed a dispute under Section 611(a). *See Annual Report of Credit and Consumer Reporting Complaints*, *supra*, at 9 (defining "[c]overed complaints" as "complaints submitted to the CFPB about the NCRAs concerning incomplete or inaccurate information where the consumer also appears to have disputed the completeness or accuracy with the NCRA"); Federal Trade Commission, *40 Years of Experience with the Fair Credit Reporting Act* at 79 (July 2011), https://www.ftc.gov/sites/default/files/documents/reports/40-years-experience-fair-credit-reporting-act-ftc-staff-report-summary-interpretations/110720fcrareport.pdf ("Section 611(e) provides for the Commission to transmit consumer complaints relating to the dispute process to nationwide CRAs.").

Where a complaint is validly filed, the CRA has three responsibilities. *First*, it must "review each such complaint to determine whether all legal obligations imposed on the [CRA] under this subchapter … have been met with respect to the subject matter of the complaint." 15 U.S.C. § 1681i(e)(3). *Second*, the CRA must "provide reports on a regular basis to the Bureau regarding the determinations of and actions taken by the [CRA], if any, in connection with its review of such complaints." *Id.* And, *finally*, the CRA must "maintain, for a reasonable time

[2] Where a consumer expressly delegates authority to a third party (such as through a power-of-attorney document) to initiate a dispute with the CRA, Experian will honor that delegation and conduct a reinvestigation in accordance with the procedures in 15 U.S.C. § 1681i(a); *see, e.g.*, *Warner*, 931 F.3d at 921 (noting that its decision does not reach cases when a letter is "sent to a consumer reporting agency by a consumer's attorney").

period, records regarding the disposition of each such complaint that is necessary to demonstrate compliance with this subsection." *Id.* The CRA must, in short, review the complaint and confirm that the underlying dispute was properly processed, keep records of these reviews, and periodically report these reviews to the Bureau.

As these provisions suggest, a CRA's *complaint* obligations under Section 611(e) are markedly different from its *dispute* obligations under Section 611(a). Complaints do not require the CRA to conduct a reinvestigation. They do not require a complaint-by-complaint response to the Bureau, just "reports on a regular basis." And they do not require CRAs to respond to the consumer at all. Rather, the complaint process is a tool by which the Bureau exercises oversight of CRAs' handling of disputes under Section 611(a).[3]

Current Practice. Despite FCRA's reticulated scheme, the Bureau has required CRAs to respond to complaints through the Portal as if they were disputes: CRAs must conduct reinvestigations for each complaint and report the results on a complaint-by-complaint basis. The Bureau also transmits other submissions that are neither complaints nor disputes, including, but not limited to, fraud-block requests, security-freeze requests, and other FCRA requests, and it expects Experian to process these requests accordingly. This violates FCRA in at least four ways.

First, it allows third parties like CROs to force reinvestigations of consumer credit files. Under FCRA, reinvestigations are triggered by "disputes," which must be filed by the consumer "directly." *See* 15 U.S.C. § 1681i(a)(1)(A). Accordingly, third parties like CROs cannot force a reinvestigation through the dispute process, as the Ninth Circuit, the FTC, and the Bureau itself have all recognized.[4] Yet, under the Bureau's current practice, CROs can effectively force

[3] Section 611(e)(4) allows the Bureau to "prescribe regulations, as appropriate to implement this subsection." 15 U.S.C. § 1681i(e)(4). But no regulation purports to require CRAs to respond to consumers through the Portal. Instead, the Bureau has conveyed its expectations about CRA response obligations informally in the context of supervision. Either way, any demand for CRAs to respond to consumers through the Portal exceeds the Bureau's statutory authority and is thus unlawful. *See Pietersen v. United States Dep't of State*, 138 F.4th 552, 559 (D.C. Cir. 2025) ("[A]n agency cannot adopt regulations or policies 'contrary to statute, nor exercise powers not delegated to it by Congress.'").

[4] *See Warner*, 931 F.3d at 918–19 ("Because Warner [*i.e.*, the consumer] played no part in drafting, finalizing, or sending the letters Go Clean Credit [*i.e.*, a CRO] sent to Experian on his behalf, those letters did not come directly from him. Consequently, under Section 1681i, Experian was not required to initiate a reinvestigation."); *40 Years of Experience with the Fair Credit Reporting Act*, *supra*, at 78 ("A CRA need not investigate a dispute about a consumer's file raised by a third party-such as a 'credit repair organization' … because the obligation under this section arises only where file information is disputed 'by the consumer' who notifies the agency 'directly' of such dispute."); *Annual Report of Credit and Consumer Reporting*

reinvestigations by styling disputes as "complaints" and dumping them into the Portal. For FCRA's two-step process to work as designed, the Bureau must recognize that complaints do not trigger reinvestigations—they require only review, recordkeeping, and periodic reporting. *See* 15 U.S.C. § 1681i(e)(3).

Second, the Bureau expects CRAs to respond to virtually every submission through the Portal, regardless of whether a dispute was filed.[5] This also violates the Act's two-step process, which contemplates the filing and processing of a dispute *before* the filing of a complaint. As noted, Section 611(e) provides that the Bureau will only compile and transmit complaints "with respect to which, the consumer appears to have disputed the completeness or accuracy with the consumer reporting agency or otherwise utilized the procedures provided by subsection (a)." 15 U.S.C. § 1681i(e)(1)(A)–(B). The Bureau thus has no basis to send, or expect responses to, complaints or any other submissions that were not preceded by a dispute.

Third, the broad, categorical obligation for CRAs to conduct a reinvestigation and respond to Portal submissions clashes with the particular rules outlined by FCRA for complaints. For example, FCRA requires CRAs to review complaints "to determine whether all legal obligations imposed on the [CRA] under this subchapter … have been met with respect to the subject matter of the complaint." *Id.* § 1681i(e)(3)(A). But whether a CRA satisfied "all legal obligations" depends on whether it properly processed a dispute. If there was no dispute, there is nothing for the CRA to review. *See Annual Report of Credit and Consumer Reporting Complaints*, *supra*, at 45 ("To determine whether legal obligations have been met, as required by 611(e), the initial step of identifying past dispute submissions and associating those submissions with the consumer is critical."). Likewise, CRAs must "provide reports on a regular basis to the Bureau regarding the determinations of and actions taken by the [CRA], if any, in connection with its review of such complaints." 15 U.S.C. § 1681i(e)(3)(B). An obligation to "provide reports on a regular basis to the Bureau" is vastly different than requiring a response to *every complaint* to both the Bureau *and the consumer*.

Complaints, *supra*, at 28 ("Under existing FTC guidance (and some case law), NCRAs do not need to investigate disputes submitted by third parties, such as credit repair organizations."); *see also McWhorter v. TransUnion, LLC*, 2021 WL 8268164, at *5 (N.D. Ga. Aug. 16, 2021) (no duty to investigate where plaintiff "filed a complaint *about* Experian with the [Bureau], not … a *dispute* with Experian" (emphasis in original)); *Turner v. Experian Info. Sols., Inc.*, 2017 WL 2832738, at *8 (N.D. Ohio June 30, 2017), *aff'd*, 2018 WL 3648282 (6th Cir. 2018) ("Turner does not cite, nor has this Court found, a case that affirmatively allows a CRO to notify CRAs of disputes on behalf of consumers.").

[5] Experian may reject complaints whose abusiveness is blatantly obvious to the Bureau, but that is an immaterially small fraction of complaints that Experian receives.

Finally, there is no statutory basis for compelling CRAs to respond to fraud-block or security-freeze requests sent to the Bureau, let alone when sent by third parties. Section 605A of FCRA provides that security freezes must be requested by the consumer to the CRA "direct[ly]." *See* 15 U.S.C. § 1681c-1(i)(2)(A) ("Upon receiving a *direct request from a consumer* that a consumer reporting agency place a security freeze, and upon receiving proper identification from the consumer, the consumer reporting agency shall, free of charge, place the security freeze.…" (emphasis added)). Likewise, Section 605B requires that the CRA receive a fraud-block request directly from a consumer. *See id.* § 1681c-2(a) (providing that a fraud block shall be imposed upon "receipt by such [consumer reporting] agency" of certain information from the consumer); *see also Withers v. Experian Info. Sols. Inc.*, 2024 WL 484754, at *3 (N.D. Ga. Jan. 25, 2024) ("Section 1681c-2 … requires a consumer to contact the consumer reporting agency directly, i.e., Experian, when requesting information resulting from an alleged identity theft be blocked"); *Marinello v. TransUnion, LLC*, 2024 WL 3532282, at *2–3 (E.D. Mich. July 3, 2024) (dismissing Section 1681c-2 claim where the plaintiff alleged submitting request to CFPB but did not "allege that he submitted notice of the alleged identity theft directly to TransUnion under § 1681c-2"). To require CRAs to implement security freezes and fraud blocks when *the Bureau* receives such requests from *third parties* contravenes the statute twice over.

* * *

"Congress has enacted a comprehensive scheme and has deliberately targeted specific problems with specific solutions." *RadLAX Gateway Hotel, LLC v. Amalgamated Bank*, 566 U.S. 639, 645 (2012). Section 611(a) allows a consumer to file directly with the CRA a dispute, which triggers the CRA's obligation to reinvestigate a consumer's credit file. Section 611(e) then allows consumers dissatisfied with the response to their dispute to file a complaint with the Bureau, which in turn enables the Bureau to oversee whether CRAs are fulfilling their statutory dispute-related obligations. And Sections 605A and 605B set forth particular rules for fraud-block and security-freeze requests, requiring direct communications to the CRA from the consumer. The Bureau's current policies upend this scheme by allowing consumers and unauthorized third parties to end-run the limits of this statutory framework. Since this violates the plain language of FCRA, the Bureau should revise its policies to confirm that: (1) the Bureau will transmit complaints to a CRA only where it appears that the complaint concerns a dispute previously submitted by the consumer to the CRA; (2) CRAs need not investigate or respond to complaints for which a dispute has not been filed by the consumer or respond to any other submissions through the Portal; (3) for validly filed complaints, the CRA need only review the complaint to ensure that the dispute was properly processed, maintain records of that review, and periodically report its results to the Bureau, per Section 611(e)(3); and (4) disputes, fraud-block, security-freeze and other FCRA requests received

through the Portal need not be processed by CRAs at all. To the extent that the Bureau continues to transmit submissions to Experian through the Portal, the Bureau should permit Experian to close out each submission with messaging directing consumers to Experian's website to submit disputes or make other requests under FCRA, rather than processing the submission and providing an individualized response to the submission through the Portal. This will allow consumers to exercise their rights under the FCRA, while allowing the CRAs to ensure that these requests are treated consistently and not subject to separate rules depending on the channel in which the request is received.

IV. At Minimum, The Bureau Should Expand the Tools Available to CRAs to Screen Out Abusive Complaints Filed in the Portal.

Irrespective of whether the Bureau has statutory authority to compel CRAs to investigate and respond to all Portal submissions, the Bureau should still implement additional measures to screen out abusive or procedurally defective submissions and also allow CRAs to implement their own tools to aid in this process. As explained above, Experian has seen an exponential increase in submissions over the last several years, having received over ***11 times*** as many submissions in May 2025 as it did in January 2022. *Supra* § I. Of these submissions, approximately 95-98% are filed by third parties, and nearly 20-25% are duplicative of other submissions. These trends show that the situation is deteriorating, and will continue to deteriorate, especially as the growth of AI will enable third parties to further flood the Portal with abusive submissions. Requiring CRAs to expend significant resources responding to these frivolous and abusive submissions does not serve consumer interests, but inhibits the capacity of CRAs to efficiently process disputes, complaints, and other submissions that ***are*** valid.

Regardless of whether the Bureau continues to demand that CRAs respond to individual Portal submissions, Experian proposes several measures that would help ameliorate the situation:

1. The Bureau should verify that complaints pertain to previously filed disputes by requiring complainants to provide a tracking number generated by the CRA when it processed the dispute. Though the Bureau previously imposed this requirement and then retreated from it, the present abuse occurring in the Portal makes this requirement more critical than ever. *See Annual Report of Credit and Consumer Reporting Complaints*, *supra*, at 42.

2. To ensure that complaints are filed by consumers or authorized third parties, the Bureau should implement a Know-Your-Customer ("KYC") program to verify the filer's identity and prevent fraud. The Bureau should also implement a meaningful Multi-Factor Authorization ("MFA") login method to mitigate phishing. Certain government agencies—including the IRS,

VA, Social Security Administration, HHS, and the USPTO—appear to use a similar identity-verification program to protect users. *See* ID.me – Government, https://www.id.me/government (last visited July 17, 2025).

3. The Bureau should leverage technology tools designed to identify and reject submissions from bots and duplicate, high-velocity submissions. For instance, it should implement fraud tools to detect IP addresses from high-risk countries and bot-generated email addresses, and it should prevent multiple submissions for various consumers tied to the same email address. Relatedly, the Bureau should authorize CRAs to use an approved software program designed to identify and reject AI- and bot-generated submissions.

4. The Bureau should leverage technology to prevent subsequent and multiple submissions within a 30-day period. In addition, CRAs should be permitted to reject submissions that are duplicative of other submissions received within a 30-day period.

5. Third-party submitters should not be permitted to exceed the 10-megabyte file size limit, which significantly slows CRAs' operational processing time. In addition, the Bureau should limit the file types allowed to be submitted. Zip files and video files should not be permitted. The Bureau should ensure the attachments being delivered to CRAs are free of malware and embedded code.

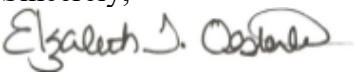
6. To the extent that the Bureau continues to transmit submissions to Experian through the Portal, the Bureau should permit Experian to close out each submission with messaging directing consumers to Experian's website to submit disputes or make other FCRA requests, rather than processing such disputes or requests and providing an individualized response to the submission through the Portal.

* * *

For the foregoing reasons, Experian respectfully requests that the Bureau confirm that CRAs do not need to investigate and respond to Portal complaints filed through the Portal on an individual basis and do not need to process and respond to disputes and other FCRA requests submitted through the Portal at all. Experian further requests that the Bureau implement and authorize tools that will reduce the number of abusive or procedurally defective Portal submissions.

We thank the Bureau for its attention to these matters.

Sincerely,



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